

JS-6

cc: order, docket, remand order to
Los Angeles Superior Court, Southeast
District, Whittier, No. 11 C 04364

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CACH, LLC,

Plaintiff,

v.

REYES S. SALCEDO, an individual; and
DOES 1–10, inclusive,

Defendants.

Case No. 2:12-cv-04595-ODW(VBKx)

REMAND ORDER

The Court has received Defendant Reyes R. Salcedo's Notice of Removal. Having determined that it lacks subject-matter jurisdiction over this case, the Court hereby **REMANDS** this action to Los Angeles County Superior Court.

Federal courts are courts of limited jurisdiction, having subject-matter jurisdiction only over matters authorized by the Constitution and Congress. *See, e.g., Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). A suit filed in state court may be removed to federal court if the federal court would have had original jurisdiction over the suit. 28 U.S.C. § 1441(a). A removed action must be remanded to state court if the federal court lacks subject-matter jurisdiction. 28 U.S.C. § 1447(c).

The presence or absence of federal-question jurisdiction is governed by the “well-pleaded complaint rule,” which provides that federal jurisdiction exists only when a federal question is presented on the face of the plaintiff's properly pleaded

1 complaint. *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392 (1987). A case may not
2 be removed to federal court on the basis of a federal defense. *Hunter v. Phillip Morris*
3 *USA*, 582 F.3d 1039, 1042–43 (9th Cir. 2009).

4 Salcedo’s bases his Notice of Removal in part “on claims ‘arising under’
5 federal law.” (Notice 1.) Yet, Plaintiff Cach, LLC’s Complaint asserts only claims
6 for breach of contract and common counts—neither of which arise under federal law.
7 Contrary to Plaintiff’s bald contention, Cach’s Complaint simply does not raise a
8 federal question, and thus the Court does not have federal-question jurisdiction over
9 this action under 28 U.S.C. § 1331.

10 Salcedo also maintains that this Court has diversity jurisdiction over this matter,
11 based in part on his belief “that the Amount in controversy exceeds \$75,00.00 (*sic*)
12 [seventy-five thousand dollars]” (brackets in original). (Notice 2.) But the Complaint
13 only demands \$3,362.48 in damages, which falls well below the requisite amount in
14 controversy to establish diversity jurisdiction in this Court under 28 U.S.C. § 1332.
15 Because Salcedo has not shown to a legal certainty that the amount in controversy in
16 this action will exceed \$75,000.00, exclusive of interest and costs, the Court
17 determines that it lacks diversity jurisdiction over this action. *See Lowdermilk v. U.S.*
18 *Nat’l Assoc.*, 479 F.3d 994, 999-1000 (9th Cir. 2007).

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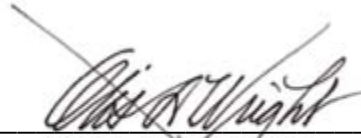
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1 For the above reasons, the Court **REMANDS** the case to Los Angeles County
2 Superior Court for lack of subject matter jurisdiction. The Clerk of Court shall close
3 this case.

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5 **IT IS SO ORDERED.**

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7 August 13, 2012

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10 **OTIS D. WRIGHT, II**
11 **UNITED STATES DISTRICT JUDGE**
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